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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,998	03/12/2001	Hirohisa Naito	826.1698	6400
21171	7590	08/17/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				BOYCE, ANDRE D
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/802,998	NAITO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-7,16-20,29-33 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-7,16-20,29-33 and 41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 9, 2006 has been entered.
2. Claims 5-7, 18-20 and 31-33 have been amended. Claim 41 has been added. Claims 3-7, 16-20, 29-33 and 41 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 3-7, 16-20, 29-33 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady et al (US 2002/0062244), in view of Busche et al (US 2003/0055707).

As per claim 3, Brady et al disclose behavior data fee collection system using computer (central server 22 billing and collecting payments, ¶ 0038), comprising: data process unit (i.e., location manager 172, ¶ 0047) processing data in which a

paired series of at least place information (i.e., define the location participating in the campaign, ¶ 0047) and information about the place (i.e., capabilities of the location, ¶ 0047), provided to a user are described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047), and a fee collection unit collecting a fee from a facility included in the place information described in the data (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038).

Brady et al does not explicitly disclose a service of providing routes to a user. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 4, Brady et al disclose behavior data fee collection system using a computer (central server 22 billing and collecting payments, ¶ 0038), comprising: data process unit (i.e., location manager 172, ¶ 0047) processing data in which a paired series of at least place information (i.e., define the location participating in the campaign, ¶ 0047) and information about the place (i.e., capabilities of the location, ¶ 0047), provided to a user are described according to a prescribed specification

(i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047); a place data acquisition unit obtaining place data transmitted from the unit (i.e., location server 16, ¶ 0038); and a behavior data generation unit totaling information from obtained place data as behavior data (i.e., central sever 22 collecting customer data and location data and analyzing the data to extract information concerning buying habits and thinking characteristics, ¶ 0041), and a behavior data fee calculation unit calculating a fee of the behavior data (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038).

Brady et al does not explicitly disclose a service of providing routes to a user. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 5, Brady et al disclose behavior data fee collection system using computer (central server 22 billing and collecting payments, ¶ 0038), comprising facility data registration unit registering facility data (i.e., location manager 172, ¶ 0047); and a behavior data generation unit (i.e., location manager 172, ¶ 0047)

generating data in which a paired series of facility data including at least place information (i.e., define the location participating in the campaign, ¶ 0047) and information about the place (i.e., capabilities of the location, ¶ 0047), are provided to the user based upon a location of the user (i.e., instrumentation table 106 (i.e., location acquisition unit) including a user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053) and described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047), and a registration fee calculation unit calculating a registration fee when the data are registered (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038).

Brady et al does not explicitly disclose a registration unit storing a user selected route and registering facility data along the user selected route. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). In addition, Busche et al disclose the frequency of paths taken, with relationship to stationary objects such facilities (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 6, Brady et al disclose a behavior data fee collection system using a computer (central server 22 billing and collecting payments, ¶ 0038), comprising: a facility data registration unit registering facility data (i.e., location manager 172, defining participating locations ¶ 0047); a behavior data generation unit (i.e., location manager 172, ¶ 0047) generating data in which a paired series of facility data including at least place information (i.e., define the location participating in the campaign, ¶ 0047) and information about the place (i.e., capabilities of the location, ¶ 0047), are provided to a user based upon a location of the user (i.e., instrumentation table 106 (i.e., location acquisition unit) including a user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053) and described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047); and a behavior data process unit obtaining information about use of data when the data is generated (i.e., central sever 22 collecting customer data and location data and analyzing the data to extract information concerning buying habits and thinking characteristics, ¶ 0041), and charging a fee against each facility (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038).

Brady et al does not explicitly disclose a route selected by the user. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having

ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 7, Brady et al disclose a behavior data fee collection system using a computer (central server 22 billing and collecting payments, ¶ 0038), comprising: a facility data registration unit registering facility data (i.e., location manager 172, defining participating locations ¶ 0047); a behavior data generation unit (i.e., location manager 172, ¶ 0047) generating data in which a paired series of facility data including at least place information (i.e., define the location participating in the campaign, ¶ 0047) and information about the place (i.e., capabilities of the location, ¶ 0047), are provided to a user based upon a location of the user (i.e., instrumentation table 106 (i.e., location acquisition unit) including a user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053) and described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047); a behavior data process unit (i.e., central server 22, ¶ 0041) obtaining information about use of data when the data are downloaded (i.e., collection of location data, ¶ 0041), when use of the data is started, when each facility is reported in a process of the data or when guidance or advertisement on each facility is presented to a user in a process of the data (i.e., defining the capabilities of the locations, what campaigns the locations will participate in, and the limits on what kind of campaigns will be hosted at each

location, ¶ 0047), and charging a fee against each facility (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038).

Brady et al does not explicitly disclose a route selected by the user. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

Claims 16-20 and 41 are rejected based upon the rejection of claims 3-7 and 7, respectively, since they are the method claims, corresponding to the system claims.

Claims 29-33 are rejected based upon the rejection of claims 3-7, respectively, since they are the storage medium claims, corresponding to the system claims.

### ***Response to Arguments***

5. In the Remarks, with respect to claims 3, 4, 16, 17, 29 and 30, Applicant argues that Fowler et al fails to disclose collecting a fee from a facility based on at least one fee setting method for a service of providing routes to a user. The Examiner submits Brady et al, in view of Busche et al, indeed teach that limitation, as seen in the

above rejection. In addition, Applicant also argues, that neither Brady et al nor Fowler et al disclose calculating a fee of the behavior data. The Examiner respectfully disagrees and submits that Brady et al disclose location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10 (¶ 0038).

In addition, Applicant also argues, with respect to claims 5-7, 18-20 and 31-33, that Fowler fails to disclose a registration unit storing a user selected route, registering facility data along the route and charging a fee against each facility along the route selected by the user. The Examiner submits that Brady et al, in view of Busche et al, indeed teach those limitations, as seen in the above rejection. In addition Applicant argues that neither Brady nor Fowler disclose acquiring the location of the user and generating data in which a paired series of facility data is provided to a user based upon the location of the user. The Examiner respectfully disagrees and submits Brady et al disclose instrumentation table 106 (i.e., location acquisition unit) including a user interface ID 568 that identifies the user interface in the location the customer is using (¶ 0053).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adb  
August 15, 2006

*O J*  
ANDRE BOYCE  
PATENT EXAMINER  
A.U. 3623